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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
MIRZA, ADNAN M	

ART UNIT	PAPER NUMBER
2145	

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/427,811	KAIB ET AL.	
	Examiner	Art Unit	
	Adnan M. Mirza	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 February 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1 & 4-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi et al (U.S. 6,243,755) in view of Dedrick (U.S. 5,696, 965).

As per claim 1 Takagi disclosed a method for scheduling harvesting of information by a host computer from one or more information providers for one or more users, comprising the steps of: (a) determining an update time for information stored by a selected information provider (col. 4, lines 52-63); (b) determining a set of end users whose information satisfies a condition for information update at the determined update time; (col. 5, lines 9-20); (c) generating a predicted login time for each end-user in the determined set of end users (col.3, lines 40-46); (d) sorting determined set of end users according to the predicted login time generated for each end user in the determined set (col. 3, lines 57-67);

However Takagi failed to disclose assigning harvesting time for each end user. In the same field of endeavor Dedrick disclosed in one embodiment of the present invention, statistic compilation

process 26 compiles electronic content-specific information for return to the metering server. This information includes, for example, how much time the end user spent consuming the electronic content and how much the content was consumed. For example, a particular advertisement may include ten different screens which are displayed to the end user (col. 7, lines 36-43).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the harvesting time based for each end user based on each end user's predicted login time as taught by Dedrick in the method of Takagi to make the network efficient in managing the user's profile.

3. As per claim 13 the method disclosed in claim 1 can be consider as consisting of Computer readable storage device.

4. As per claim 4 Dedrick disclosed wherein the step of sorting the determined set of end-users comprises sorting the determined set in ascending order of predicted login time (col. 10, lines 43-45).

5. As per claim 5 Takagi-Dedrick disclosed wherein the step of generating a predicted login time for each end user in the determined set of end users comprises: (i) for each end user, determining whether a login time profile associated with the end user meets a predetermined confidence threshold (Dedrick, col. 10, lines 53-65); (ii) for each end user whose login time profile does not meet the predetermined confidence threshold, assigning a predicted login time corresponding to the present day and time (Takagi, col. 15, lines 59-b7 & col. 16, lines 1-8); and (iii) for each end user whose login time profile does meet the predetermined confidence threshold, assigning a predicted login time based on the end user's login time profile (Takagi, col. 15, lines 59-67 & col. 16, lines 1-8). Predetermined confidence threshold consider as reference value in order to allocate different properties to different group.

6. As per claim 6, 12 & 15 Takagi disclosed the method of claim 1, and further comprising the step of shifting each end user's predicted login time back a predetermined time interval (col. 13, lines 5-20). Delay can be considered as shifting and user's activity start and end is same as user's login and logout.

7. As per claim 7 Takagi disclosed wherein the step of assigning a harvest time comprises assigning a harvest time for each end user corresponding to his shifted login time (col. 12, lines 57-63 & col. 13, lines 5-21).

8. As per claim 8 Takagi-Dedrick disclosed wherein the step of assigning a harvest time comprises: (i) performing a distribution fit across time to generate a polynomial function that allows determination of the number of end users subject to harvesting over a specified time period (Dedrick, col. 7, lines 36-56); (ii) determining a network activity curve of network activity associated with the host computer and the selected information provider (Takagi, col. 27, lines 5-64); In the statistical data can be consider getting data in terms of graphs.(iii) generating an inverse of the determined network activity curve; (iv) performing an integral matching algorithm utilizing the generated polynomial function and the generated inverse of the network activity curve; (Takagi, col. 27, lines 5-64). The statistical calculations involve taking the inverse of the graphs and doing correlations.(v) assigning harvesting times for each end user to redistribute peak harvesting time towards time zero to flatten the distribution fit across time (Dedrick, col. 7, lines 36-56).

9. As per claim 9, 11 & 14 Dedrick disclosed further comprising the step of harvesting the information for each end user in the determined set of end user from the selected information provider at the harvesting time assigned to each end user (col. 7, lines 36-56).

10. As per claims 10,13 Takagi-Dedrick disclosed a system for scheduling harvesting of information by a host computer from one or more information providers for one or more users, comprising: (a) a user store for storing data associated with end users; (b) a provider store for storing data associated with information providers (Takagi, col. 7, lines 43-67 & col. 8, lines 1

12); and (c) a host computer in communication with the user store and the provider store, the host computer comprising a processor for performing the steps of (i) determining an update time for information stored by the selected information provider based on data associated with a selected information provider in the provider store (Takagi, col. 7, lines 43-67 & col. 8, lines 1-12); (ii) determining a set of end users whose information could be modified at the determined update time by the selected information provider, based on data associated with end users in the user store (Takagi, col. 5, lines 9-20); (iii) generating a predicted login time for each end user in the determined set of end users (Takagi, col.3, lines 40-46) ; (iv) sorting the determined set of end users according to the predicted login time generated for each end user in the determined set (Takagi, col. 3, lines 57-67); and (v) assigning a harvesting time for each end user based on each end (Dedrick, col. 7, lines 36-56).

11. Claims 2 & 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi et al (U.S. 6,243,755), Dedrick (U.S. 5,696, 965) in view of O'Neil et al (U.S. 5,987,440).

12. As per claim 2 Takagi-Dedrick failed to disclose the step of determining a set of end users comprises: (i) selecting end users configured to receive information from the selected information provider; (ii) eliminating end users not configured to receive information subject to update at the determined update time.

In the same field of endeavor O'Neil disclosed the objects models focuses on the user's view objects in E-metro. This object model provides a detailed description of how objects behave and how they relate to each other at user level. In some cases the objects and classes at the user level will not map to an object or class in the target programming language. However, the transition from OOA objects to OOD objects is, for the most part, very smooth. The object oriented Booch notation is employed in the diagrams of this document as means to communicate relationships of objects visually (col. 49, lines 51-64).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have incorporated the users configured to receive information from selected the

information provider as taught by O'Neil in the method of Takagi-Steinberger to increase the stability and make network more efficient.

Response to the applicant's argument as follows:

13. Applicant argued, "determination of an update time for information stored by a selected information provider and the determination of an end user set based upon the determined update time".

1n the prior art Takagi disclosed, some past time can be determined as prescribed period of time (such as an hour) before a scheduled time that is recognized as current time according to the prediction rule. Also some future time is to be determined to contain at least next time zone in which the network can be utilized at low cost (col. 13, lines 7-15). The terminal and the information server changes depending on time and place. In addition depend on activity of the user, there may be long period of time during which terminal is connected to the network (col. 7, lines 36-41).

14. Applicant argued, "sorting step based upon predicted login times for each end user in the determined set".

In the prior art Takagi disclosed Predicting a necessary information will be required by a user using the first information processing apparatus in future and necessary information by which the necessary information which actually required by the user according to a knowledge concerning an activity schedule of the user" (col. 3, lines 52-67) that tends to be one of the functionality of the sorting.

15. Applicant argued determining a network activity curve associated with the host computer and the selected information provider, generating an inverse of the determined the

network activity curve and performing an integral matching algorithm using he generated polynomial function and the generated inverse of the network activity curve.

In the prior art Takagi disclosed calculate a correlation by including the past statistical data. Where the past statistical data is linked to the user activity that is on the web that comes under the umbrella of networking (col. 26, lines 54-67). When a correlation exceeds certain value, additional register utilization prediction knowledge, and its triggering condition to the prediction knowledge triggering table (col. 27, lines 15-26).

Conclusion

16. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (571)-272-3885.

17. The examiner can normally be reached on Monday to Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin Wallace can be reached on (571)- 272-6159. The fax for this group is (703)-746-7239.

18. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-746-7239 (For Status Inquiries, Informal or Draft Communications, please label "PROPOSED" or "DRAFT");

(703)-746-7239 (For Official Communications Intended for entry, please mark "EXPEDITED PROCEDURE"),

(703)-746-7238 (For After Final Communications).

19. Any Inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Any response to a final action should be mailed to:

BOX AF

Commissioner of Patents and Trademarks Washington, D.C.20231

Or faxed to:

Hand-delivered responses should be brought to 4th Floor Receptionist, Crystal Park II, 2021 Crystal Drive, Arlington, VA 22202.

AM

VALENCIA MARTIN-WALLACE
SUPERVISORY PATENT EXAMINER

Adnan Mirza

Examiner